

Julia Cline
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FILED

JAN 20 2016

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY DEPUTY

UNITED STATES OF AMERICA,

Plaintiff,

v.

Ruben Morales CERVANTES,

Defendant

Magistrate Case No.:

COMPLAINT FOR VIOLATION OF

Title 18, U.S.C. Sec 1001- False Statement
to a Federal Officer

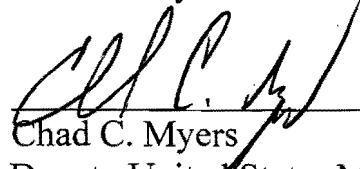
76 00133

The undersigned complainant, being duly sworn, states:

Count 1

On or about December 29, 2015 and continuing until January 6, 2016, within the Southern District of California, the defendant, Ruben Morales CERVANTES, in a matter within the jurisdiction of the United States Marshal Service, did knowingly and willfully make false, fictitious, and fraudulent statements and representations as to material facts, in that he did represent and state to a Deputy United States Marshal that he did not personally know a known fugitive, Andrew AUD, whereas in truth and fact he did personally know him and knew that statement and representation was false, fictitious, and fraudulent when made: in violation of Title 18, United States Code, Section 1001.

And the complainant further states that this complaint is based on the attached probable cause statement which is incorporated herein by reference.


Chad C. Myers
Deputy United States Marshal, USMS

Sworn to me and subscribed in my presence this 17th day of January, 2016.


JAN M. ADLER
UNITED STATES MAGISTRATE JUDGE

AFFIDAVIT

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2 The complainant states this complaint is based upon the following:

3 On November 18, 2015, the Honorable Michael M. Anello signed a no-bail bench
4 warrant for Andrew Aud (AUD) for violation of his terms of supervised release. At that
5 time, I was assigned the case in order to locate and arrest AUD. I am currently assigned
6 to the San Diego Fugitive Task Force as part of my duties as a Deputy United States
7 Marshal (DUSM).

8 On December 3, 2015, I conducted a records check through California Department
9 of Motor Vehicles (CADMV) to identify any vehicles registered to AUD. I discovered
10 that AUD currently is the registered owner of a white 2002 Ford F-150 pickup truck,
11 California License Plate 6Z56546 (AUD's vehicle).

12 On December 29, 2015, AUD's vehicle was located in front of a residence at 6210
13 Parkside Avenue, San Diego, California, 92139. I was able to personally verify that the
14 vehicle was the one registered to AUD. I then monitored the vehicle for approximately
15 two hours, during that time I observed a male individual exiting the residence at 6210
16 Parkside Avenue and entering AUD's vehicle with a key. This individual was later
17 identified as Ruben Morales CERVANTES. I approached the vehicle and contacted
18 CERVANTES in the driver's seat of AUD's vehicle. I identified myself as a DUSM and
19 was in full law enforcement clothing clearly identifying me as a DUSM. I interviewed
20 CERVANTES about whether he knew Andrew AUD. CERVANTES indicated that he
21 did not know Andrew AUD and had purchased the vehicle from an unknown individual
22 on Craigslist for \$2,500 approximately 2-3 weeks ago. CERVANTES was shown a
23 photograph of AUD and indicated that he recognized him, but did not know him. When
24 asked for documents relating to the purchase of AUD's vehicle he only provided the
25 vehicle registration from the glove box showing the current registration to AUD, but was
26 unable to show a bill of sale or vehicle title. When asked where those documents were,
27 he answered that he did not know. CERVANTES gave me a phone number where he
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1 could be reached. I supplied my phone number and asked CERVANTES to call me with
2 any information concerning AUD.

3 On December 31, 2015, I used law enforcement databases to access a list of
4 individuals who had visited AUD in San Diego County Jail during his incarceration in
5 2014. On that list, I located CERVANTES. The information identified CERVANTES as
6 an individual that had personally visited AUD while in jail. The information identified
7 CERVANTES' date of birth, prior phone number and prior address. This prior phone
8 number and address were linked to CERVANTES by other law enforcement databases.
9 The full name and date of birth exactly matched CERVANTES.

10 On January 6, 2016, I returned to 6210 Parkside Avenue, San Diego, California
11 and saw CERVANTES enter AUD's vehicle and drive to a gas station located at 225 S.
12 47th Street, San Diego, CA 92113. I approached the vehicle along with DUSM Adam
13 Groff and asked CERVANTES additional questions about the vehicle. CERVANTES
14 again denied personally knowing AUD. CERVANTES, when confronted by the
15 information of the jail visit, admitted that he did know AUD. He further stated that he
16 had seen AUD approximately 10 days ago (approximately December 27, 2015) and had
17 purchased the car from him about 2-3 weeks ago. He indicated that he was in a dispute
18 with AUD and was angry with AUD. I asked CERVANTES again for information
19 concerning AUD and CERVANTES again indicated that he had proof of the sale, but it
20 was at his residence at 6210 Parkside Avenue. He further indicated that his girlfriend,
21 Jessica Vianney Rangel, had seen AUD earlier that morning at Sycuan Casino and had
22 talked with AUD. I attempted to get Rangel's number and CERVANTES refused to give
23 her number, location or any means in which to contact her to inquire about AUD. At that
24 point, the interview ended.

25 On January 6, 2016, members of the San Diego Fugitive Task Force were able to
26 view videos of that morning taken at the Sycuan Casino. There was no evidence of AUD
27 on any of the video.
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